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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,564	08/17/2005	Yasuhiro Saito	16169.4	6718
22913	7590	06/08/2010		
Workman Nydegger 1000 Eagle Gate Tower 60 East South Temple Salt Lake City, UT 84111			EXAMINER GRANT, ALVIN J	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 06/08/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,564

Applicant(s)

SAITO ET AL.

Examiner

ALVIN J. GRANT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 8-12, 14, 16, 17 and 19-25** are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. US Publication No. 2002/0127432 A1.

Referring to claims 8-12 and 25, Saito discloses a method for manufacturing a glass substrate for an information recording medium, the manufacturing method comprising: a pre-grinding washing step for washing a surface of a disk-shaped glass plate with a strong acid washing liquid (**¶0057, line 1; and ¶0059**), wherein an altered surface layer is formed on the surface of the glass substrate by the first washing step; thereafter a step for grinding at least part of the altered surface layer with abrasion grains to remove at least part of the altered surface layer for a depth of 0.5 nm or more with abrasions grains so that the altered surface layer has a thickness of (**¶0056, ¶0057 and ¶0058**); and a second washing step for washing the surface with an alkaline washing liquid (**¶0058, line 12**), wherein the altered surface layer formed by acidic washing in the first washing step is removed by the step for grinding and the second washing step; thereafter and the washing step includes immersing the glass plate in a strong

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acid solution and then immersing the plate in a strong alkaline solution (§0074). It is noted that *strong* in reference to the acid and alkaline liquids, is a relative term.

Referring to claims 16, 17 and 19-24 see §0035, §0074, §0044, §0026, §0066 and §0067.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 13, 15 and 26-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al.

Regarding claims 13 and 15, Saito et al. is described above. Saito et al. does not specifically disclose an alkaline solution having a pH value of 10.5 or greater.

The alkalinity of the pH is dependent upon the desired outcome and may be determined through routine experimentation with expected results.

Regarding claims 26 and 27, Saito discloses the claimed method steps that implements the use of the claimed elements, producing the claimed depth of the altered surface layer, which implicitly produces the claimed deviation rate of surface roughness of the glass substrate of less than or equal to 3%.

Regarding claims 28 and 29, Saito does not specifically disclose the immersing steps include immersing the polished glass substrate for the same time period

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and temperature in the acid and alkaline solutions. Determining the appropriate time and temperature for which the glass substrate should be immersed in the acid and alkaline solutions is a matter of engineering and is a matter of engineering expedient and is dependent on the purpose being served thereby. Furthermore, appropriate times and temperatures may be determined by routine experimentation with expected results.

Response to Arguments

5. Applicant's arguments filed 10/01/09 have been fully considered but they are not persuasive.
6. In response to Applicant's arguments that US Publication No. 2002/0127432 (to Saito) does not disclose the claimed method steps as claimed in the claims as amended, Saito in Example 1, discloses the method steps as follows: in lines 22-23, the glass plate immersed in hydrofluoric acid, which is a grinding process then, in lines 26 and 27, the plate was immersed in an alkaline solution. The remainder of Applicant's arguments is moot since the basis was that Saito did not disclose the method steps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723